

STEPHEN J. HIRSCHFELD (SBN 118068)  
shirschfeld@cdhklaw.com  
DONNA M. RUTTER (SBN 145704)  
drutter@cdhklaw.com  
KRISTEN L. WILLIAMS (SBN 232644)  
kwilliams@cdhklaw.com  
CURIALE DELLAVERSON HIRSCHFELD  
& KRAEMER, LLP  
727 Sansome Street  
San Francisco, CA 94111  
Telephone: (415) 835-9000  
Facsimile: (415) 834-0443  
Attorneys for Defendants  
MICHAEL P. McGRATH, ALL RISKS, LTD.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRUMP INSURANCE SERVICES, INC.,

Plaintiff,

vs.

MICHAEL P. McGRATH, an individual,  
ALL RISKS, LTD., a corporation, and  
Does 1 through 50, inclusive,

Defendant.

Case No. C-07-4636 MMC

**[PROPOSED] ORDER GRANTING  
DEFENDANT ALL RISKS, LTD.'S  
MOTION TO COMPEL MOTION TO  
COMPEL RESPONSES TO (1)  
RESPONSES TO REQUEST FOR  
PRODUCTION NO. 39; (2) RESPONSES  
TO REQUEST FOR PRODUCTION NO.  
40; (3) LISTS PREPARED BY PETER  
SCOTT WHICH ARE RESPONSIVE TO  
REQUESTS FOR PRODUCTION NO. 1, 10,  
13, 14, 19, 27; (4) EMAILS IDENTIFIED IN  
HARGROVE'S DEPOSITION; (5)  
DOCUMENTS FROM MCGRATH'S  
HARDDRIVE RESPONSEIVE TO  
REQUESTS FOR PRODUCTION NOS. 1, 2,  
5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 24, 25, 33, 34,  
35; AND (6) COMPEL FURTHER  
DEPOSITION TESTIMONY REGARDING  
THESE DOCUMENTS**

**Date:** August 6, 2008  
**Time:** 9 a.m.  
**Judge:** Maxine M. Chesney  
**Ctrm:** 7

The instant motion came on for hearing before the above-entitled Court on August 6 , 2008, Defendant All Risks, Ltd. (“All Risks” or “Defendant”) appearing by and through its counsel of record, CURIALE DELLAVERSON HIRSCHFELD & KRAEMER, LLP, and Plaintiff Crump Insurances Services, Inc. (“Crump”) appearing by and through its counsel of record, JACKSON LEWIS, LLP.

**IT IS HEREBY ORDERED** that the motion is **GRANTED**. Crump is **ORDERED** to produce within ten (10) days of the date of this ORDER all documents responsive to All Risks’ First, Second and Third Requests for Production Nos. 1, 2, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 19, 24, 25, 27, 33, 34, 35, 39, 40, without any redactions. Plaintiff is to either provide All Risks with all documents responsive to foregoing Requests, or to amend its responses to All Risks’ First, Second and Third Requests for Production to state that no responsive documents exist.

All Risks’ Request for Production No. 39 that seeks “All change of broker letters which REFER or RELATE to accounts previously handled by Cheryl Smith which changed to her new employer” is relevant to the parties’ claims and defenses, goes to whether Crump is consistent in its claims and establishes evidence of accepted industry practice in the wholesale insurance brokerage business. Crump’s objections are without merit. The request is not “vague, overbroad, ambiguous and susceptible to a variety of interpretations,” because the request seeks only a specific type of document – Broker of Record letters – within a limited time period after Cheryl Smith left Crump. Crump is **ORDERED** to produce all responsive documents for Request No. 39.

All Risks’ Request for Production No. 40 that seeks “All change of Broker letters during the last five years naming CRUMP in place of ALL RISKS” is directly relevant to Crump’s claims and All Risks’ and McGrath’s defenses. Crump’s objections that the Request is “vague, overbroad, ambiguous and susceptible to a variety of interpretations” are without merit. The Request seeks a specific type of document – Broker of Record letters – within a finite period of time. The request is directly relevant to the claims of this matter. Crump is **ORDERED** to produce all responsive documents for Request No. 40.

All Risks’ request for the lists that Peter Scott made at the direction of All Risks’

attorneys should be produced because they are responsive to numerous requests for production and are not subject to attorney-client privilege or the work product doctrine. Crump is ORDERED TO produce the lists that Mr. Scott stated in his testimony that he would make in response to All Risks counsel's question. These lists are responsive to All Risks' Request for Production Nos. 1, 10, 13, 14, 19, 27.

Crump is **ORDERED** to produce the email or emails identified by Mr. Hargrove in his deposition testimony between Defendant McGrath and Ms. Marty prior to the time they left Crump's employ. The subject email(s) are responsive to All Risks' Requests for Production No. 6, 7, 10, 12, 15 and 16.

Crump is further **ORDERED** to produce all responsive documents located in Defendant McGrath's hard drive. Defendant All Risks is entitled to all responsive documents that were in McGrath's hard drive, as Defendant's definition of "DOCUMENTS" in its Requests for Production includes "computer records, and other data compilations from which information can be obtained or translated...." Responsive documents that were located in McGrath's hard drive should be produced as potentially responsive to Defendant's Requests 1, 2, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 24, 25, 33, 34 and 35.

**IT IS FURTHER ORDERED** that witnesses Peter Quinlan Scott and Glenn Hargrove make themselves available for further deposition to answer questions regarding the documents that are the subject of this ORDER.

**IT IS SO ORDERED.**

Dated: August \_\_\_\_ 2008

By: \_\_\_\_\_